

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

**ALBERTO OSUNA SANCHEZ,**

**Plaintiff,**

**v.**

**NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION,**

**Defendant.**

**Case No.:** \_\_\_\_\_

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**DECLARATION OF TONY VITELLO**

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I, Tony Vitello, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am the head baseball coach at the University of Tennessee, Knoxville ("UTK"). I was named 2024 National Coach of the Year by Baseball America and the American Baseball Coaches Association.
2. UTK is a Division I institution and member of the Southeastern Conference. The UTK baseball team is the 2024 NCAA Division I National Champions.
3. Alberto Osuna Sanchez ("Osuna") is a college baseball player. He plays first base and joined UTK's baseball team in January 2025.
4. Osuna is a strong and talented baseball player. I want Osuna on the baseball roster for the Spring 2025 season. He will be a key contributor as a first baseman and/or designated hitter. However, it is my understanding that Osuna needs a waiver from the NCAA to play a fourth year of Division I baseball because he previously played baseball in junior college. A waiver has been submitted on Osuna's behalf but has not yet been ruled on by the NCAA.
5. I am currently planning and finalizing the roster for the baseball team's Spring 2025 season, and I cannot hold my team planning in limbo while Osuna navigates a potentially lengthy

**EXHIBIT**

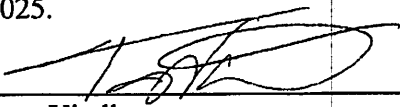
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legal process. Unless and until Osuna gets a ruling declaring him eligible to play Division I baseball for the Spring 2025 season, I will have to proceed with planning and preparing my team as if Osuna is ineligible, or risk carrying an ineligible player on the roster. The Spring 2025 baseball roster must be declared by Thursday, February 13, 2025 and the baseball team's opening game is Friday, February 14, 2025.

6. Even if Osuna is able to obtain relief granting him eligibility for the Spring 2025 season, the further into the season it is, the more difficult it will be to incorporate him into the team's ongoing training programs, practice schedules, and games.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of February, 2025.

  
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Tony Vitello